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Docket No. 742441-3
(Previous Docket No. 742441-2)
Application Serial No.: 10/628,568

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REMARKS

The Office Action dated February 6, 2006 has been received and its contents reviewed. Applicant would like to thank the Examiner for the consideration given to the above-identified application.

Claims 1-7 are pending in the application, of which claims 1 and 4 are independent. In order to better define that which Applicant regards as the invention, claims 1 and 4 have been amended without adding new matter. Support for the amendments is provided in the original claims, Figures 1-6, and related text of the specification.

In view of these actions and the following remarks, reconsideration of this application is now requested.

Rejections under 35 U.S.C. § 102

Claim 1 stands rejected under 35 U.S.C. §102(b) as being unpatentable over Ebstein (U.S. Patent No. 3,337,983 hereafter Ebstein). In response to the anticipatory rejection, Applicant has amended claim 1, as shown above, to further clarify the claimed invention and to further distinguish over Ebstein.

As amended, independent claim 1 further recites "a plurality of frame components including a top frame component, a bottom frame component and side frame components" and "said interconnecting means comprising a U-shaped channel formed along the entire periphery of each of the frame components."

According to the invention of the amended claim 1, a U-shaped channel is formed along the entire periphery of a top frame component, a bottom frame component, and side frame components.

Referring to FIG. 1 and paragraph [0025], for example, of the specification for support, the present specification states that "a plurality of vertical interlocking flat panel/frame components 10, 12, 14 and 16 and horizontal interlocking flat panel/frame components 18 and 20 can be assembled to form an interlocking flat panel/frame unit." In particular, "each vertical or horizontal component comprises an interlocking frame 12a, 18a and an integral flat panel 12b, 18b respectively," as shown in FIGS. 2A and 2C and as disclosed in paragraph [0026] of the specification.

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Furthermore, according to paragraph [0028] of the present specification, “[a]s shown in Fig. 4A, each of the frames are formed of an approximately U-shaped channel which extends along the entire circumference of the frame.”

Contrary to the claimed invention, however, Ebstein fails to disclose a U-shaped channel along the entire periphery of a top frame component, a bottom frame component, and side frame components. In the rejection of claim 1, the Examiner asserts that Ebstein discloses “a plurality of integral frame and panel components (30, 40)” with “each frame and panel component having a U-shaped channel formed along the entire periphery of said frame and panel component (30, 40).” (See Office Action, page 2, lines 14-18.) The component 30 in Ebstein refers to “a back panel” and component 40 refers to “side panels.” (See Ebstein, column 2, line 36.) Thus, it appears that Ebstein only discloses that the back panel 30 and the side panels 40 have a U-shaped channel. Applicant respectfully assert that, indeed as shown in FIG. 6 and column 2, lines 35-36 of Ebstein, the components 20, referring to “the top and bottom panels,” do not have a U-shaped channel along their periphery.

Moreover, Applicant respectfully assert that nowhere does Ebstein suggest that the U-shaped channel should be used with the top and bottom panels. As a result, Ebstein fails to disclose each and every element recited in the amended independent claim 1. Consequently, since each and every feature of the present claims is not taught (and is not inherent) in the teachings of Ebstein, as is required by MPEP Chapter 2131 in order to establish anticipation, the rejection of claim 1, under 35 U.S.C. §102(b), as anticipated by Ebstein is improper, and withdrawal of the rejection is in order and is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 2-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ebstein in view of Nakano et al. (U.S. Pat. No. 5,360,263 – hereafter Nakano) and van der Heiden et al. (U.S. Pat. No. 4,173,379 – hereafter van der Heiden). In response to the obviousness rejection, with respect to claims 2 and 3, Applicant respectfully submits that the amendments and arguments set forth above in relation to the anticipatory rejection of claim 1 are also applicable to the rejection of its respective dependent claims 2 and 3.

With respect to independent claim 4, Applicant amended claim 4, as shown above, to further clarify the claim language and to further distinguish over the cited prior art references. As amended, claim 4 recites, “providing a plurality of integral frame and panel

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components including a top frame and panel component, a bottom frame and panel component, and side frame and panel components."

In addition, amended claim 4 also recites, "interconnecting the U-Shaped channel of each of said top frame and panel component, bottom frame and panel component, and side frame and panel components to a respective adjacent frame and panel component." As noted above, according to, e.g., paragraphs [0025], [0026], and [0028] of the present specification, a U-shaped channel is formed along the entire periphery of a top frame component, a bottom frame component, and side frame components.

As described previously, Ebstein fails to teach, disclose or suggest a U-shaped channel along the entire periphery of a top frame component, a bottom frame component, and side frame components. Similarly, neither Nakano nor van der Heiden discloses a U-shaped channel along the periphery of each of the claimed frame components as recited in Applicant's claim 4.

According to page 3, lines 20-21 of the Office Action, the Examiner states that Nakano discloses "a plurality of integral frame components P." However, Applicant respectfully asserts that the components P, as shown in FIGS. 1-3 and 7-9 of Nakano, fail to include top and bottom panels. Therefore, Nakano cannot even suggest top and bottom frames with a U-shaped channel. Moreover, in the rejection, Examiner does not assert that the panels P of Nakano have U-shaped channels along their entire periphery.

With respect to van der Heiden, the Examiner states on page 4, lines 4-5 of the Office Action that the reference "teaches the idea of providing an interlocking component assembly comprising a plurality of panels (3, 5)." However, panels 3 and 5 in van der Heiden only refer to a sidewall and a front wall. (See van der Heiden et al., column 1, line 49.) Thus, it appears that van der Heiden only discloses that a sidewall 3 and a front wall 5 have any type of channel. Thus, the reference fails to disclose a U-shaped channel on the periphery of a top frame component and a bottom frame component, as recited by Applicant's amended claim 4.

Additionally, Applicant respectfully asserts that van der Heiden does not even teach, disclose or suggest the use of a top panel (see van der Heiden, column 1, lines 48-50.), and that the Examiner fails to assert that the channel along the panels 3 and 5 have U-shaped channels along their entire periphery.

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The requirements for establishing a *prima facie* case of obviousness, as detailed in MPEP § 2143 - 2143.03 (pages 2100-122 - 2100-136), are: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the teachings; second, there must be a reasonable expectation of success; and, finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. Because the references cited by the Examiner, on their own or in combination, fail to teach, disclose or suggest a top frame component, a bottom frame component, and side frame components with a U-shaped channel, the references fail to teach each and every element of the amended independent claim 4. As such, withdrawal of the rejection is in order and is respectfully requested.

In addition, with respect to claims 5-7, Applicant respectfully submits that dependent claims 5-7 are allowable at least for the reason set forth with respect to claim 4.

Therefore, the present application is now in condition for allowance. However, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that further prosecution of this application can thereby be expedited.

Respectfully submitted,



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